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IN THE MATTER OF)
)
BRIAN R. WINSKI - RESPONSIBLE)
PERSON OF)
CAMBRIA FINANCIAL SERVICES, INC.)
)

BNK 88-078A
ORDER

The Arizona Superintendent of Banks (hereinafter the "Superintendent") makes the following Findings of Fact and Conclusions of Law and enters the following Order pursuant to A.R.S. § 6-137(A) and (B).

FINDINGS OF FACT

1. Mary C. Short is the Superintendent. The Superintendent is charged with the enforcement of Title 6, Arizona Revised Statutes, relating to mortgage brokers.

2. The nature of Cambria Financial Services, Inc.'s (hereinafter "Cambria") business is that of making, negotiating or offering to make or negotiate mortgage loans for compensation or in the expectation of compensation. Brian R. Winski (hereinafter "Winski") is president and a member of the board of directors of Cambria. Winski is also a shareholder of Cambria and is designated as responsible individual for Cambria on its mortgage broker license.

3. Cambria filed an application for a mortgage broker license on September 25, 1986 (hereinafter the "Application"). Winski as president of Cambria, swore to the truthfulness of the Application. Accompanying the Application was a Statement

1 of Personal History of Winski (hereinafter the "Statement")
2 wherein Winski certified that the information contained therein
3 was true, complete and correct to the best of his knowledge and
4 belief.

5 4. Cambria is currently licensed as a mortgage broker
6 pursuant to Chapter 9, Title 6 of A.R.S..

7 5. On September 18, 1987 Winski's deposition was
8 taken in the Maricopa County Superior County case of Hightower,
9 et al. vs. Insurance Marketing Services, Inc., C606852,
10 (hereinafter the "Deposition"). On November 30, 1987 Winski
11 filed a Supplementary Statement of Facts in Support of
12 Defendant Brian R. Winski's Motion for Summary Judgment and
13 Response to Plaintiff's Cross Motion for Partial Summary
14 Judgment (hereinafter the "Pleading") in Hightower.

15 6. On January 28, 1988 Winski gave an examination
16 under oath In the Matter of the Investigation of Cambria
17 Financial Services, Inc. (hereinafter the "Examination") by the
18 Arizona State Banking Department (hereinafter the "Department").

19 7. Statements made by Winski in the Deposition and
20 the Pleading are materially contrary to statements made by him
21 on the Application, in the Statement and in the Examination
22 and, therefore, Winski's statements in the Deposition,
23 Pleading, Application, Statement and/or Examination or any
24 combination of them are false.

25 8. Winski was not in active management prior to
26 10/1/87 of the activities of the Cambria governed by Article 1,

1 Chapter 9 of Title 6, Arizona Revised Statutes.

2 CONCLUSIONS OF LAW

3 1. Pursuant to A.R.S. Section 6-110, the Department
4 is charged with the execution of Arizona Revised Statutes
5 relating to enterprises.

6 2. Pursuant to A.R.S. Section 6-122, the
7 Superintendent is charged with the discharge of all duties
8 imposed on the Department by law.

9 3. Pursuant to A.R.S. Section 6-121, enterprises are
10 subject to supervision by the Department.

11 4. Pursuant to A.R.S. Section 6-101, a mortgage
12 broker is not a financial institution and, therefore, is an
13 enterprise.

14 5. The conduct set forth in the Findings of Fact
15 constitutes grounds for the suspension or revocation of
16 Cambria's mortgage broker license pursuant to (a)
17 6-901.04(A)(3) and/or (7) via the application of section
18 6-904(E) effective prior to October 1, 1987, (b) 6-901.04(C),
19 and/or (c) 6-901.04(A)(4) and (16) (formerly § 6-906(A)(4) and
20 (15)) via the application of section 6-901.04(E).

21 6. The conduct of Winski set forth in the Findings of
22 Fact constitutes grounds for his removal as an officer and
23 director of Cambria and grounds to prohibit him from
24 participating in the conduct of the affairs of Cambria pursuant
25 to A.R.S. Section 6-161(A).

26 7. The Superintendent finds that the acts of Winski

1 set forth in the Findings of Fact fit within the definition set
2 forth in A.R.S. § 1-215(36).

3 ORDER

4 1. IT IS HEREBY ORDERED that Winski and all persons
5 in active concert and or participation with him are prohibited
6 from engaging in activity in violation of Chapter 9, Title 6.

7 2. IT IS FURTHER ORDERED that Winski:

8 (a) shall immediately resign as responsible
9 individual for Cambria;

10 (b) shall immediately resign as officer,
11 director and employee of Cambria;

12 (c) is prohibited from acting as a responsible
13 individual person for any person licensed pursuant to Chapter 9
14 of Title 6;

15 (d) is prohibited from applying for a license
16 under Chapter 9 of Title 6 and from holding stock or the power
17 to vote stock in a person licensed pursuant to Chapter 9 of
18 Title 6 for a period of five (5) years from the date of this
19 Order;

20 (e) shall immediately divest himself of all
21 stock and the power to vote all stock in Cambria including any
22 community property interest in such stock;

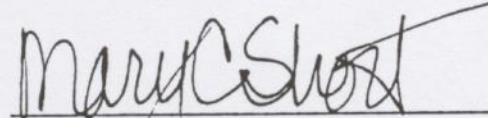
23 (f) is prohibited from in any way participating
24 in the conduct of the affairs of Cambria; and

25 (g) is prohibited from acting as a lawyer on
26 behalf of Cambria for a period of five (5) years from the

1 effective date of this Order.

2 3. This Order shall become effective immediately and
3 shall remain in full force and effect until otherwise stayed,
4 modified, terminated or set aside.

5 DATED this 30th day of September, 1988.

6 
7
8 MARY C. SHORT
9 Superintendent of Banks

10 CONSENT TO ENTRY OF ORDER

11 1. Winski hereby acknowledges that he has been served
12 with a copy of the foregoing Findings of Fact, Conclusions of
13 Law and Order in the above referenced matter, has read the
14 same, is aware of his right to an administrative hearing on
15 this matter and appeal thereof and has waived same.

16 2. Winski admits the jurisdiction of the Banking
17 Department, neither admits nor denies that the foregoing
18 Findings of Fact are true and the Conclusions of Law are
19 correct, but consents to the entry of the foregoing Findings of
20 Fact, Conclusions of Law and Order.

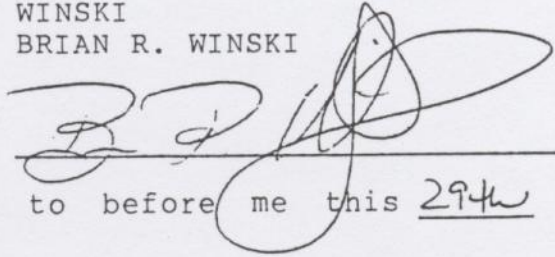
21 3. Winski states that no promise of any kind or
22 nature whatsoever was made to him to induce him to enter into
23 this Order and he has entered into this Order voluntarily.

24 4. Winski specifically acknowledges that the
25 Superintendent's acceptance of this Consent is solely for the
26 purpose of settling the violation alleged, and does not

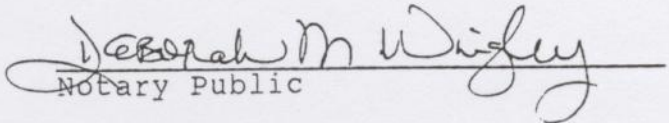
1 preclude the Banking Department, or any other agency or office
2 of this State or subdivision thereof, from instituting other
3 civil or criminal proceedings as may be appropriate now or in
4 the future.

5 DATED this 29th day of September, 1988.

7 WINSKI
8 BRIAN R. WINSKI

9 

10 SUBSCRIBED AND SWORN to before me this 29th day
11 of September, 1988.

13 
14 Notary Public

15 My Commission Expires:

16 March 16, 1990

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